

Attorney Docket No.: **DEX-0054**  
Inventors: **Robbins et al.**  
Serial No.: **09/426,548**  
Filing Date: **October 22, 1999**  
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**In the Claims:**

1. (Amended) A variant human MLH1 or MSH2 gene selected from the group consisting of hMLH1 mutant 1, hMSH2 mutant 1, hMSH2 mutant 2 and hMSH2 mutant 3, wherein human MLH1 and human MSH2 consist of nucleic acid sequences of GenBank Accession Nos. U07418 and U03911, respectively.

**REMARKS**

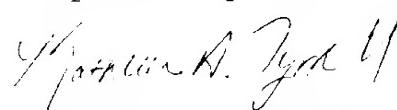
Claims 1-3 are pending in the instant application. The rejection of claims 1-3 under 35 U.S.C. § 112, second paragraph has been maintained as the Examiner suggests that the metes and bounds of what is encompassed by a MLH1 and MSH2 gene are not clear. Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have amended claim 1 to include the GenBank Accession numbers for human MLH1 (GenBank Accession No. U07418) and MSH2 (GenBank Accession No. U03911) thus making clear to those skilled in the art what are the metes and bounds of MLH1 and MSH2. As evidenced by the attached pages downloaded from GenBank, human MLH1 (GenBank Accession No. U07418) and MSH2 (GenBank Accession No. U03911) were in the public domain before the filing date of the instant application. As also evidenced by the attached pages downloaded from GenBank, the human MLH1 and MSH2 sequences were disclosed in publications by Papadopoulos et al. and Fishel et al.,

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respectively, which are cited at 1, line 29, and page 1, line 26, respectively of the instant application as teaching these sequences. Accordingly, no new matter has been added by this amendment.

This amendment overcomes all pending rejections of the claims. Entry of this amendment and subsequent allowance of the claims is therefore respectfully requested.

Respectfully submitted,



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Date: **May 14, 2001**

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claim 1 has been amended as follows:

1. (Amended) A variant human MLH1 or MSH2 gene selected from the group consisting of hMLH1 mutant 1, hMSH2 mutant 1, hMSH2 mutant 2 and hMSH2 mutant 3, wherein human MLH1 and human MSH2 comprise nucleic acid sequences of GenBank Accession Nos U07418 and U03911, respectively.